

Notice of Allowability

Application No.

10/809,988

Examiner

Jennifer E. Novosad

Applicant(s)

CLOVER, THOMAS J.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview of July 20, 2006.
2. ☒ The allowed claim(s) is/are 23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

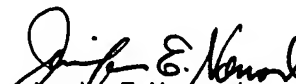
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date Attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Hletko on July 20, 2006.

The application has been amended as follows:

Claims 1, 3-11, and 13-22 have been canceled and claims 23 and 24 have been added as advanced below

It is noted that claim 23 is similar to the language of claims 1, 3-6, 8, 9, and 21 and claim 24 is similar to the language of claims 11, 13-16, 18, 19, and 22. Claims 23 and 24 were added in such a way for simplicity of the record and to reduce errors.

Claim 23 (new): A portable construction material stand, consisting of:

a base portion, and

a support portion extending upward from and snap-fitted with the base portion;

the support portion consisting of:

an angled contact surface such that an angle of greater than 90 degrees is created between the support portion and base portion,

a flanged portion opposite the base portion,

a top cap,

Art Unit: 3634

a bracket hole, and

a padding material;

wherein when planar construction material is positioned on the base portion and in contact with the contact surface, the stand maintains the material in a stationary position.

Claim 24 (new): A portable construction material stand system, consisting of:

a first stand and a second stand spaced apart from the first stand, whereby each stand consists of:

a base portion, and

a support portion extending upward from and snap-fitted with the base portion;

the support portion of each stand consisting of:

an angled contact surface such that an angle of greater than 90 degrees is created between the support portion and the respective base portion,

a flanged portion opposite the respective base portion,

a top cap,

a bracket hole, and

a padding material;

wherein when planar construction material is positioned on the base portions of the spaced apart stands and in contact with the contact surfaces, the first and second stands maintain the material in a stationary position.

Art Unit: 3634

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or suggest a stand (or system), as specifically called for in the claimed combinations of claims 23 and 24, which *consist* of the claimed elements. It would not have been obvious to have removed the additional elements, i.e., the elements in addition to only the elements recited in claims 23 and 24, in order to arrive at the claimed invention, since the prior art shows many additional elements.

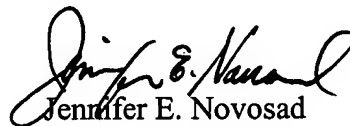
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer E. Novosad
Primary Examiner
Art Unit 3634

July 20, 2006